

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

DARRIN WILLIAM MATT,

Plaintiff,

vs.

CORECIVIC, et al.,

Defendants.

CV 18-00127-GF-BMM-JTJ

FINDINGS AND RECOMMENDATIONS  
OF UNITED STATES MAGISTRATE  
JUDGE

Plaintiff Darrin Matt, a state prisoner proceeding without counsel, filed a Complaint alleging thirty-three Defendants violated the First, Fourth, Eighth and Fourteenth Amendments, discriminated against him, mistreated him, and denied him access to grievances. (Doc. 2 at 13.) On May 13, 2019, the Court issued an Order finding that the Complaint failed to state a plausible federal claim for relief and as such, was subject to dismissal. Mr. Matt was given until June 14, 2019 to file an amended complaint and he was specifically advised that if he failed to correct the defects set forth in the Court's Order the case would be recommended for dismissal. (Doc. 10.) Mr. Matt has not filed an amended complaint.

Accordingly, for the reasons set forth in the Court's May 13, 2019 Order (Doc. 10), the Court finds that Mr. Matt has failed to state a federal claim upon

which relief may be granted, and therefore issues the following:

### **RECOMMENDATIONS**

1. This matter should be DISMISSED for failure to state a federal claim.
2. The Clerk of Court should be directed to close this matter and enter judgment in favor of Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure.
3. The Clerk of Court should be directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain the Complaint lacks arguable substance in law or fact.
4. The Clerk of Court should be directed to have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g) because Mr. Matt failed to state a claim upon which relief may be granted.

### **NOTICE OF RIGHT TO OBJECT TO FINDINGS & RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

Mr. Matt may file objections to these Findings and Recommendations within fourteen (14) days after service (mailing) hereof.<sup>1</sup> 28 U.S.C. § 636. Failure to

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<sup>1</sup>Rule 6(d) of the Federal Rules of Civil Procedure provides that “[w]hen a party may or must act within a specified time after being served and service is made

timely file written objections may bar a de novo determination by the district judge and/or waive the right to appeal.

This order is not immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Fed.R.App.P. 4(a), should not be filed until entry of the District Court's final judgment.

DATED this 25th day of June, 2019.

/s/ John Johnston  
John Johnston  
United States Magistrate Judge

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under Rule 5(b)(2)(C) (mail) . . . 3 days are added after the period would otherwise expire under Rule 6(a).” Therefore, since Mr. Matt is being served by mail, he is entitled an additional three (3) days after the period would otherwise expire.